

Dec 6, 1970
LA Times

Mineral King Ruling Hailed by Ski Groups

BY PHILIP FRADKIN

Times Staff Writer

The issue of whether Mineral King will ever become a reality is still up in the air. But this year skiers have something to cheer about.

The Sierra Club, which has turned out to be the skiers' chief nemesis, is down to its last round.

Earlier this fall, a San Francisco federal appeals' court quashed a restraining order which blocked construction of the \$35 million resort by Walt Disney Productions in the Sierra Nevada.

This decision has been appealed by the Sierra Club to the U.S. Supreme Court.

The near-victory was cheered by skiing interests and bemoaned by the Sierra Club, which saw in

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the appeals court ruling a defeat to the right of a conservationist organization to sue in the public interest.

The Sierra Club filed its suit in June, 1969, and was granted an injunction preventing the federal government from issuing construction permits. Until the Supreme Court rules, that ruling remains in effect.

What this means is that it would be 1977 before skiing could be available to winter sports fans in the huge bowls above Mineral King Valley, located east of Visalia and about a five-hour drive from Los Angeles.

District engineer Robert Ramey of the State Division of Highways has estimated that if construction started on an all-weather road into the remote valley by fiscal year 1973-1974, the earliest possible date, it would not be completed until 1977.

It was originally hoped, before the Sierra Club filed suit, that there could be skiing in Mineral King by 1973.

In stating the Sierra Club did not have the right to sue, the appeals court also went further and struck down the remaining technical arguments that the club had raised in its suit against the Forest Service and other federal agencies.

Opinion Quoted

The opinion stated that the club "has not shown with any degree of certainty that it will or can succeed on any one of these issues. Neither has it shown that it or its members or anyone else will suffer irreparable injury."

The opinion went on to state, "Evidence of great concern for the ecology of the area and the preservation and conservation of natural beauty and environmental features appears throughout the planning reports attached as exhibits.

". . . The nation's natural resources are not the property of any particular group. One of the basic social ills of today is that we have too many people living too close together. The satisfaction of the basic necessities of such a population creates environmental problems which are not within the expertise of this court."

Since the Supreme Court may decline to hear the case without comment, these may be the last legal words on Mineral King.

* 2023.009 0143